

COMMISSIONERS APPROVAL

GRANDSTAFF *cg*
ROKOSCH *JLR*

THOMPSON *at*

CHILCOTT *g*

DRISCOLL *vs*

PLETTENBERG (Clerk & Recorder)

Date.....October 10, 2008

Commissioners Present.....Commissioner Carlotta Grandstaff, Commissioner James Rokosch, Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner Driscoll

► Minutes: Glenda Wiles

► The Board met for various administrative matters which included the following:

- **Commissioner Thompson made a motion to grant final approval to Sunnyside Orchards #3 Block 9, Lot 15 AP Subdivision. Commissioner Driscoll seconded the motion and all voted "aye".**
- DUI Task Force Coordinator Glenda Wiles presented the first quarter DUI Task Force Report for Commissioners review. **Commissioner Thompson made a motion to accept the first quarter report from the DUI Task Force. Commissioner Driscoll seconded the motion and all voted "aye".**
- Internal Auditor Klarryse Murphy met with the Board in order to obtain approval for an application to the MBOI (Interap loans) for \$196,364.00 in order to pay for the court house roof repair that was completed last spring. **Commissioner Driscoll made a motion to submit this application. Commissioner Thompson seconded the motion and all voted "aye".**
- Klarryse also presented a Certificate of Appropriation for US Bank in regard to the County's Board of Investments of the State of Montana Annual Adjustable Rate Tender Option for Interap revolving loan monies; which stated that Ravalli County has prepared its budget for fiscal year 2009 and the budget includes the amount designated and sufficient to make the loan repayments as defined in the current loan agreements for fiscal year 2009. This is a standard form for the loan agreement with the Board of Investments. **Commissioner Thompson made a**

motion to have Commissioner Greg Chilcott sign this Certificate due to the absence of the Chair and Vice Chair. Commissioner Driscoll seconded the motion and all voted “aye”.

- Glenda Wiles also presented the request from Florence School District and the PAC Members (Parents with children at Florence Schools) in regard to the first phase of the CTEP (Community Transportation Enhancement Project) for walkways around the school. The first phase is delineated by map sections B1, B2, B3 and A2 of the application package to the Department of Transportation. Those pathway sections will equal approximately 2,490'. Glenda also relayed the Montana Department of Transportation & CTEP Project Engineer Phil Inman advised her that the Corvallis project currently has \$199,000 in federal dollars minus the 14.06% that is kept by the state leaving approximately \$171,000 specifically for that project. The Florence Project has \$292,000 in federal dollars minus the 14.06% that is kept by the state leaving approximately \$250,000 for the project. Phil noted with the match monies that come from the Florence PAC, he felt confident this amount of money would sufficiently fund the Florence CTEP Project. Phil also noted after these two projects are completed the county will have a balance of \$273,000.00 minus the 14.06% which will total roughly \$234,000.00 for future projects. **Commissioner Chilcott made a motion to approve of this first phase as delineated from the map sections. Commissioner Thompson seconded the motion and all voted “aye”.** Glenda will contact the stated in order to move forward with the PSA (Project Specific Agreement).
- Due to the shift of administrative duties for the Streamside Setback Committee (SSC) from Planning to the Commissioners Office and the amount of work needed by the I.T. staff in order to move the SSC web page to the Commissioners web page, **Commissioner Chilcott made a motion to grant a contribute key for website updates of the Streamside Setback Committee web pages that are hosted by the Planning Department to Staff employee Beth Perkins. Commissioner Driscoll seconded the motion and all voted “aye”.**

► Minutes: Beth Perkins

► The Board met for a discussion with Legislators Bob Lake, Ron Stoker, Gary MacLaren, Ray Hawk, Rick Liable and J.G. Shockley. Present were County Attorney George Corn, Road & Bridge Supervisor David Ohnstad, Clerk & Recorder Regina Plettenberg, Sheriff Chris Hoffman, Undersheriff Kevin McConnell, Internal Auditor Klarryse Murphy, Interim Planning Director John Lavey and several citizens.

Commissioner Grandstaff welcomed the legislators and gave an overview. George Corn discussed the representation of DPHHS for abuse and neglect cases and the increasing costs. He requested the legislators to carry this bill again.

Jim Shockley stated this bill has gone nowhere in the past. He stated if the bill gets to where it needs to be then he will vote for it. He stated there are some other bills he would like to introduce if the money is there. It is his perception even if he gets it through the house, the governor could veto it. Bob Lake stated the reality is, the numbers of the individuals sitting in the chairs are the ones pushing the buttons. It needs full MACo support. Jim Shockley stated the legislators have reviewed the requests, however, making the State responsible for jail costs is not going to happen based on money. George stated if the public says these won't pass, then it won't. If you don't get the bill introduced, the public can't vote on it. Jim Shockley stated he wants the support before he brings any bill forward. Ron Stoker stated each legislator sits on different committees. They all have an area of expertise and they still fight the vote situation.

David Ohnstad reviewed his requests. He stated the big issue is speed limits. He reviewed the currently posted speed limits and the provisions for Commissioners to reduce those speed limits. He stated at times those reductions reflect public sentiment rather than engineering judgments. He discussed surface roadways. He requested rather than put the responsibility on local government to change the threshold limits on highways less than 70 mph (55 mph) on surface roads and a basic limit of 35 mph for gravel road the State should act. Rick Laible stated there is a bill to set the speed limits being presented. If the Commissioners set the speed limit, then they assume liability. David further explained the ever changing conditions of gravel roads with weather conditions. There is the aspect of public safety to consider as well. Rick Laible stated he will continue to work on this bill draft and get input. Bob Lake stated the reality is the statute affects the entire state. What is needed in Ravalli County may not be needed in another county. David reviewed the highway jurisdiction of gravel pits and the use of the pit for demands on that highway. The County can require mitigation for those impacts. He stated as of right now it is a tremendous impact to the counties to carry it financially. Ray Hawk stated the fiscal note was not that bad. Fiscal review in highways right now is shaky. He carried the bill and it did not make it out of the committee. David stated there is more in common in these situations than opposition. The beginning point would be with highway contracts. If it were included in State contracts it would be fair across the board. Ron Stoker stated this is a good example, if we write the bill who will write the fiscal note? If none is attached, then the governor's office writes the fiscal note. David then discussed the issue of dust abatement. He stated four years ago, they adopted the county foresight agreement. Participants in the program have benefited from the program, however the Road Department cannot provide the service to all non-surfaced roads. David stated as rural areas become more populated, the rules on participation will change. There has to be a financial mechanism for the air quality issue. Jim Shockley replied if DEQ does not have the money to enforce air quality issues with dust abatement then ignore them. David stated the issue is not to simply ignore them. Commissioner Rokosch stated the impact on his own children's health cannot be ignored for air quality standards. He requested the legislators to take this seriously. Jim Shockley stated he has lived on dusty roads his entire life and he does not trust the opinion of the DEQ. Ray Hawk asked if what is being requested is for money to be appropriated to DEQ for the air quality issue. David replied it is not so much appropriation of funds but to not let the responsibility of air quality be put upon the Road Departments. Commissioner Driscoll stated you can look at the road

issues and the air quality issues. Whether it is dust abatement or wood stove replacements, anything can help the health of seniors and asthma victims. It is one of the pieces causing problems in the valley. Commissioner Rokosch stated there is a road program where local citizens are paying for dust abatement. Ray stated he does not agree with Jim Shockley on the DEQ comment. There has to be a complaint document. He stated based on the subdivision requirements, most will mitigate themselves. David stated the threshold for making physical improvements are significant. The impacts are there.

David reviewed aggregate resource issues with the legislators. He stated people don't want to be inconvenienced by local gravel pits. He stated his concern is being opted out of the sources without any options to fall back on. He stated he wants to raise the issue to keep in mind the critical nature of these resources. Commissioner Chilcott stated he heard the comment DEQ couldn't afford to go out and do what they need to do because they are too busy inspecting these gravel pits. They need funds appropriated to do the job right. Jim Shockley stated DEQ does not have the people to do it right. Further discussion followed regarding funding for DEQ.

Clerk & Recorder Regina Plettenberg discussed elections and voting. She discussed unfunded mandates and how elections are costing more to run. She stated elections for the County are very expensive and puts a burden on the voters for non-regular scheduled elections. She also discussed the law stating you cannot hold two public offices. Regina stated family transfers cannot be simply done away with. She does not know what if anything can be done but they are struggling with them. Ron stated Regina becomes the three year watchdog and that is a burden. Regina reviewed the procedure with the legislators for family transfers. She stated there are the same amount of lots created by family transfers and subdivisions. She stated it puts her in a difficult situation. Commissioner Chilcott stated there have been numerous people coming in with heart wrenching stories of hardship with today's economic times. It is difficult to say "no" to stay within the requirements. Commissioner Driscoll stated some of these people are being told by realtors and developers to go through the family transfer to evade the subdivision process. Rick Laible stated he will do some research on it and see what he can do. Jim Shockley stated the process has obviously been abused. Commissioner Grandstaff stated just this week the Board had to broker an agreement between a developer and neighbors. Commissioner Rokosch stated this was seven lots created by family transfer that was put on the market in a short period of time, and none of the lots are now owned by the family that did the transfers.

Interim Planning Director John Lavey reviewed his requests. John requested subdivision review deadlines be doubled for element review as well as public input deadlines. He stated these are at 30 working days and he would like to see 60 day deadlines. Jim Shockley stated there should be a bill allowing the County to take extra time if needed based on a judicial decision. He stated he would put the bill forward. John replied he would rather not have it brought before a judge if they would be allowed a time extension. Jim Shockley stated he spoke to George Corn about this and it is good public policy. Commissioner Grandstaff stated she agrees with John to not bring it forward to

court. Jim Shockley discussed other possibilities for a relief valve for the County. Rick Laible stated based on the newspaper, there are too many subdivisions going to court. The history of this bill was a lot of members of the party were against it. He stated now may be a good time to bring it forward again. Commissioner Rokosch stated while he appreciates the comments, there is a need for an extension. There is a responsibility of this Board to ensure public safety. He would like the legislators to consider a relief valve in the mechanism but not in the same bill. Commissioner Driscoll requested more breathing room for the review of subdivisions. Bob Lake questioned the environmental assessment request. John replied they would like to see an environmental assessment for all subdivisions. Ray Hawk stated there was a bill to give more money to Planning but it got killed in the house. He is wondering if the bill should be brought back. John discussed the Growth Policy and stated he would like to see counties required to have a Growth Policy. Rick Laible stated the legislation was in order to have a Planning Board, you needed to have a Growth Policy in place. You are not required to have a Growth Policy. Commissioner Rokosch stated we are asking the legislature to make that requirement. John stated the Planning Department has been dealing with larger developments and there is nothing to provide guidance for adequate mitigation to State highways. Jim Shockley suggested the County to have a separate line item for the mitigation collected for State highways. Commissioner Rokosch stated the Board has collected mitigation fees for two subdivisions for the impacts to State highways. There is no formula. Commissioner Chilcott stated the County should not be responsible for collecting impact fees for the State. Rick Laible stated the impact is not to the County but the State so why are we worrying about it. Commissioner Rokosch stated it is because we are the ones driving on the roads. Commissioner Grandstaff stated it is specifically Eastside Highway. David Ohnstad stated in the latecomers agreement there is a provision for the impacts. John stated impact fee law should be adopted by the majority of the Board not the entire Board. John requested the fee for subdivision exemptions should be increased due to not recouping the full expense. Rick stated increasing the number will kill the bill and there must be a set number for the bill to be carried. Commissioner Chilcott stated there are already requirements to set fees within the County but it has to have evidence or justification for the increase.

John stated with the five members of the Commission, there is statute requiring three commissioners and it needs to be clarified. John discussed notification by certified mail to all members in a voluntary zoning district being a good policy.

Internal Auditor Klarryse Murphy discussed the tax levy MCA 15-10-420. She reviewed the formula for the average of the CPI and divided by two. She wants to know why and stated when there is a cost of living increase, the gap becomes wider and wider. She would like to see the percentage increased. Commissioner Chilcott stated there is a bill being brought forth by MACo for a reserve fund. Klarryse stated if there is an unexpected expense such as an employee retiring, it would be nice to have a fund to compensate those unexpected events. Bob Lake asked if MACo has someone to bring it forward. Commissioner Chilcott stated he does not know but it should be a simple bill to bring forward. Klarryse discussed investment income and the process of it. She stated due to paying it monthly to the State, we miss out on collecting investment income.

Commissioner Thompson stated his concerns with a State budget surplus when counties are struggling. Gary MacLaren stated the number being seen for the State is projected early and it falls. Commissioner Chilcott stated the County spent \$30,000 for Veteran's Burial. This is mandated and it is something the County has done for years. It may not sound like much but it is a huge part of this budget. Commissioner Rokosch stated the Board spent hours deliberating the budget and \$30,000 makes a huge difference in this budget. Ron stated there has been budget surplus for the State and recommendations have been made on how to spend it but it is the Governor who makes the final decision.

Sheriff Hoffman reviewed his requests. He stated there may be another run of the Castle Doctrine. He is in favor of the doctrine but against the amendments proposed at the last session. Jim Shockley stated the amendments proposed are ludicrous. He stated in the amendments you can wave a gun around without legal ramifications. Sheriff Hoffman stated there is a bill proposed where MDOT will set a timeframe for highway closures and dictate to local agencies. He stated it should be left up to the local agencies to decide public safety for the opening and closing of highways and roads for how long. Gary stated he doubts the bill would make it through. He would vote it down. Sheriff Hoffman discussed the costs incurred by the County by 72 hour holds. He gave an example of a case to the legislators. He stated they are the ones providing the services and had to lay people off due to the budget and unfunded mandates. Jim Shockley stated if there is support he will carry the bill. He stated he has called around for funding and it is not there. Sheriff Hoffman stated he was upset of the remarks made by the Governor of counties not living within their means. He stated we do things in this State because they have always been done that way. Local government needs to provide basic services without making the citizen suffer. Ron Stoker stated the mental health situation created the detainee bill. He stated they will keep the bill open for discussion. Sheriff Hoffman stated he sees the delegation working towards an end to the issue. Ron discussed the transportation to Warm Springs and video conferencing. Jim Shockley stated he is carrying the bill for the video conferencing. Sheriff Hoffman stated he stands with David Ohnstad on the speed limit issue. He pointed out what he has seen on the speed limits is ridiculous. There is no safe place to travel 70 mph with deer and other factors. Commissioner Driscoll asked Sheriff Hoffman to explain I105 with being locked in on raising taxes. Sheriff Hoffman stated Ravalli County is growing and not being able to provide funding for basic services. He stated those days of doing business in the old ways are over. What works for Montana in general does not work for Ravalli County. Sheriff Hoffman stated the only option is to go to the public and request a public safety levy. He stated every person he spoke to replied they pay enough taxes and would not vote for a public safety levy. He stated they need to see more dollars come back from the State. Commissioner Grandstaff discussed the conflicts of levies on the ballot.

DUI Task Force Coordinator Glenda Wiles stated she is advocating legislation for the primary seatbelt law. She provided the legislators with statistics to justify this legislation. Ron Stoker stated there was a clerical mistake by the previous legislative session and child safety seats were put back to class two.

Bob Lake suggested the County call them if they have any more issues when they are in session.

► Commissioner Thompson discussed extending the Jeff Minckler contract with a significant discount if the County paid up front. He read the email received from Jeff Minckler to the Board stating the options of discount with the County paying the six month premium now. Commissioner Rokosch questioned extending the contract out to July 1, 2011. Commissioner Grandstaff expressed her gratitude for Jeff Minckler during the union negotiations and therefore would be in favor of extending the contract and paying the six month fee. Further Board discussion followed regarding the past performance of Jeff Minckler. **Commissioner Rokosch made a motion to extend the contract and pay the six month fee now for the discount. Commissioner Driscoll seconded the motion and all voted 'aye'.**